

REMARKS

Claim Status

Claims 73-110 are pending in the application. Claims 107-110 are newly presented and are believed supported in priority application no. 10/011,129, and its relevant parent applications.

Claims 79, 88, 98 and 102 are canceled without prejudice. The Office Action makes clear that the term “substrate” in the various base claims is broad enough to include multiple components.

Claims 77 and 89 are also canceled since their base claims were also canceled.

Independent claims 77, 86, 94, 101 and 104 are amended without prejudice. The term “carried” has been changed to **printed with ink or dye**, and the term “optical” has been changed to “visible light” in each of the claims.

Some of the dependent claims are also amendment without prejudice as well.

Priority Questions

We respectfully disagree that the current application is not entitled to the benefit of application no. 10/011,129.

Additionally, we have included new claims 107-110 that are clearly supported by this application as well.

Drawing Objections

We respectfully traverse the drawing objection. We submit that such a drawing is not necessary for the understanding of the invention as claimed.

Nevertheless, and without conceding the merits of the drawing objection, a New Sheet of drawings (Fig. 13) is provided herewith.

The specification is amended to include a reference to this drawing.

Withdrawal of the drawing objection is respectfully requested.

Claim Objections

Claims 79, 88, 98 and 102, these claims have been canceled without prejudice as mentioned above. We request withdrawal of the associated claim objection.

Regarding claims, claims 101 and 104, we respectfully request reconsideration.

First, these claims are independent claims, and not dependent claims as suggested in the Office Action. Second these claims recite different features (e.g., recognizable vs. obtainable, etc.) relative to claim 86.

We request that the objection of claims 101 and 104 be removed.

Art-based claim rejections

Claims 73-84, 86-95 and 97-104 were rejected over U.S. Patent No. 5,337,361 (hereafter referred to as “Valerij”). Claim 85 is rejected as being unpatentable over Valerij in view of U.S. Patent No. 5,337,361 (hereafter referred to as “Wang”). Claim 96 is rejected as being unpatentable over Valerij in view of U.S. Patent No. 5,799,092 (hereafter referred to as “Krostol”). Claim 105 is rejected as being unpatentable over Valerij in view of U.S. Patent No. 5,664,018 (hereafter referred to as “Leighton”). Claim 106 is rejected as being unpatentable over Valerij in view of U.S. Patent No. 5,499,293 (hereafter referred to as “Behram”).

We respectfully traverse these rejections.

Claim 73 in view of Valerij

Claim 73 recites – in combination with other features – a first graphic carried on or in the substrate, the first graphic representing a photographic image or artwork; and electronic circuitry carried on or in the substrate, wherein the electronic circuitry comprises information stored therein. The first graphic comprises steganographically encoding including a plural-bit first message that is machine-readable from optical scan data corresponding to at least a portion of said first graphic. The first message comprises at least a code, and the code once obtained unlocks the electronic circuitry or the information stored therein.

So claim 73 requires that the first graphic (which represents a photographic image or artwork) includes steganographic encoding. The Office Action cites to Valerij at Col. 7, line 64 – Col. 8, line 12 as meeting these features. We respectfully disagree.

While the cited passage discusses that the markings 5 can be provided in an unrecognizable manner, it says nothing of steganographically encoding these markings in a photographic image or artwork.

Other deficiencies of Valerij need not be explored at this time, but we reserve our right to do so in the future.

We respectfully request that claim 73 be allowed.

Claim 104 in view of Valerij

Claim 104 recites an identification document including – in combination with other features – information printed with ink or dye on or in the substrate. The information printed with ink or dye on or in the substrate is obtainable from visible light scan data corresponding to at least a portion of the information printed with ink or dye on or in the substrate.

This arrangement is different from the embodiments discussed in Valerij. For example, Valerij discusses a marking 5 provided via a defraction grating. See, Col. 3, lines 8-12. See also EP 401 466A1, referenced at Valerij Col. 2, lines 53-61. Furthermore, the referenced US patent 4,856,857 (Valerij at Col. 2, line 63) is a transparent type hologram.

This is not information printed with ink or dye on or in the substrate, as recited in claim 104.

The Valerij patent also discusses a bar code to provide marking 5. See Col. 9, lines 1-11. But this bar code is provided with fluorescent inks, which requires illumination within a particular light frequency. See Col. 9, lines 6-11.

This is not information printed with ink or dye on or in the substrate is obtainable from visible light scan data (where illumination and reading is facilitated with visible light) corresponding to at least a portion of the information printed with ink or dye on or in the substrate.

Other deficiencies of Valerij need not be explored at this time, but we reserve our right to do so in the future.

We respectfully request that claim 104 be allowed.

New Claim 107 in view of Valerij

New claim 107 recites a method comprising: obtaining visible light scan data associated with text characters printed on an identification document to obtain first data; and using at least a portion of the first data to facilitate decryption of information – not the text characters – carried on or by the identification document. The information corresponds to the identification document or to an authorized bearer of the identification document.

Valerij is not under stood teach or suggest such a combination.

Favorable consideration is requested.

Remaining Claims

We respectfully submit that the remaining claims also recite patentable combinations.

For example, independent claims 77, 86, 94 and 101 are amended in an analogous manner relative to claim 104, and should be allowed over Valerij for analogous reasons.

We also respectfully traverse combining Valerij with Wang, Kristol, Leighton and Behram as suggested in the Office Action. We reserve our right to explore the deficiencies of such combinations, if needed.

Favorable reconsideration is respectfully requested.

Conclusion

A Notice of Allowance is respectfully requested.

Nevertheless, the Examiner is invited to telephone the undersigned at 503-469-4685 if any questions remain.

Date: November 19, 2007

Respectfully submitted,

Customer No. 23735

DIGIMARC CORPORATION

Phone: 503-469-4685

FAX: 503-469-4777

By: /Steven W. Stewart, Reg. No. 45,133/
Steven W. Stewart
Registration No. 45,133

*A New Sheet of Drawings accompanies this Amendment